

DECLARATION FOR PATENT APPLICATION

As the below-named inventors, we hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled METHODS FOR ISOLATION AND LABELING OF SAMPLE MOLECULES, the specification of which

_____ is attached hereto as Attorney Docket No. _____).

XX was filed on May 14, 2001
as Application Serial No. 09/858,198
(Attorney Docket No. P-IS 4693)

and was amended on (or amended through) _____.
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to myself to be material to patentability as defined in Title 37, Code of Federal Regulations, Sec. 1.56.

Under Sec. 1.56, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and (1) It establishes, by itself or in combination with other information,

Inventors: Aebersold and Zhou
Serial No.: 09/858,198
Filed: May 14, 2001
Page 2

a prima facie case of unpatentability of a claim; or (2) It refutes, or is inconsistent with, a position the applicant takes in: (a) Opposing an argument of unpatentability relied on by the U.S. Patent and Trademark Office, or (b) Asserting an argument of patentability.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Rudolf H. Aebersold

Inventor's signature: Rudolf Aebersold

Date: 10/11/01

Residence: Mercer Island, Washington

Citizenship: Switzerland and Canada

Post Office Address: 8609 SE 78th Street
Mercer Island, Washington 98040

Inventors: Aebersold and Zhou
Serial No.: 09/858,198
Filed: May 14, 2001
Page 3

Full name of second inventor: Huilin Zhou

Inventor's signature: Hui. Zhou

Date: 10/11/2001

Residence: Seattle, Washington

Citizenship: People's Republic of China

Post Office Address: 10726 8th Avenue NE
Apartment #2
Seattle, Washington 98125



DECLARATION FOR PATENT APPLICATION

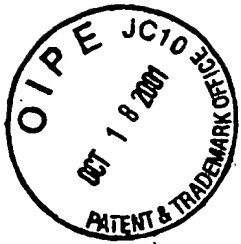
Attorney Docket No.: P-IS 4693

Serial No.: 09/858,198

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on October 15, 2001.

By *Deborah L. Cadena*
Deborah L. Cadena, Reg. No. 44,048

October 15, 2001
Date of Signature



PATENT

Our Docket: P-IS 4693

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Aebersold and Zhou
Serial No. 09/858,198
Filed: May 14, 2001
For: METHODS FOR ISOLATION
AND LABELING OF SAMPLE
MOLECULES

Commissioner for Patents
Washington, D.C. 20231

Sir:

SMALL ENTITY STATEMENT

The U.S. Patent and Trademark (USPTO) permits parties that establish status as a Small Entity to pay certain reduced fees (all citations to 37 C.F.R. § 1.27 except as noted). To be entitled to Small Entity Status, a party must be at least one of the following:

(1) Individual person:

An individual person, including an inventor and persons to whom an inventor has transferred some rights in the invention. § 1.27(a)(1).

(2) Small business concern:

A business concern whose number of employees, including affiliates, does not exceed 500 persons.
§ 1.27(a)(2) (incorporating 13 C.F.R. § 121.802).

"Business concern" means individual proprietorship, partnership, limited liability company, corporation, joint venture, association, trust or cooperative. If the concern is a joint

Inventors: Aebersold and Zhou
Serial No.: 09/858,198
Filed: May 14, 2001
Page 2

venture, participation by foreign business entities may not be more than 49%. 13 C.F.R. § 121.105.

The "number of employees" is the average number of employees, including the employees of its domestic and foreign affiliates, based on numbers of employees for each of the pay periods for the preceding completed 12 calendar months.

"Employees" includes all individuals employed on a full-time, part-time, temporary, or other basis. Part-time and temporary employees are counted the same as full-time employees. If a concern has not been in business for 12 months, use the average number of employees for each of the pay periods it has been in business. 13 C.F.R. § 121.106.

Concerns are "affiliates" of each other when one concern directly or indirectly controls or has the power to control the other, or when a third party or parties controls or has the power to control both concerns. 13 C.F.R. § 121.103(a).

(3) Nonprofit organization:

A university or other institution of higher education located in any country. § 1.27(a)(3)(ii)(A).

An organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a). Also included are such organizations located in a foreign country that would qualify if it were located in this country. § 1.27(a)(3)(ii)(B), (D).

A nonprofit scientific or educational organization qualified under a nonprofit organization statute of a U.S. state. Also included are such organizations located in a foreign country that would qualify if it were located in this country. § 1.27(a)(3)(ii)(C), (D).

Inventors: Aebersold and Zhou
Serial No.: 09/858,198
Filed: May 14, 2001
Page 3

Please note that a license to the Government resulting from a rights determination under Executive Order 10096 does not constitute a license that would prohibit claiming Small Entity Status. Similarly, for small business concerns and nonprofit organizations, a license to a Federal agency resulting from a funding agreement with that agency under 35 U.S.C. § 202(c)(4) is not a license that would prohibit claiming Small Entity Status. § 1.27(a)(4).

I hereby assert that I am empowered to sign on behalf of the party identified below ("Party"). Persons empowered to sign include an inventor him- or herself or an authorized officer of the assignee, where the assignee has at least an undivided part interest in the application or patent. § 1.27(c)(2).

I have made a determination of the Party's entitlement to Small Entity Status, including a determination that all parties holding rights in the invention qualify for Small Entity Status. § 1.27(f).

I hereby assert that the Party has not assigned, granted, conveyed or licensed--and is under no obligation under contract or law to do so--any rights in the invention to any other party that would not qualify as a Small Entity. If the rights in the invention held by the Party are not exclusive, each party having rights in the invention is listed below:

None

Separate assertions of Small Entity Status should be obtained from each party having rights to the invention.

Inventors: Aebersold and Zhou
Serial No.: 09/858,198
Filed: May 14, 2001
Page 4


I hereby assert that the Party is entitled to be accorded Small Entity Status by the USPTO for the application or patent identified above. § 1.27(c)(1).

I understand that Small Entity Status must be newly determined when the issue fee and each maintenance fee is due. If there is any change resulting in loss of entitlement to Small Entity Status, I acknowledge the duty to file a notification to the USPTO in this application or patent before or upon paying the fee. § 1.27(g).

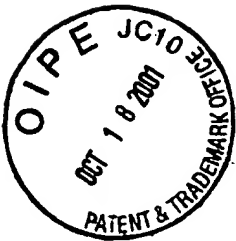
I understand that Small Entity Status must be separately established in any related application, including continuation, divisional, continuation-in-part, continued prosecution application or reissue application. § 1.27(c)(4).

I understand that any attempt to establish Small Entity Status improperly, deceptively or fraudulently will be considered a fraud practiced on the USPTO and may result in abandonment of the application or jeopardize the validity and enforceability of any resulting patent. § 1.27(h).

7/14/01
Date


Name: G. Michael Arnold
Title: Vice President

THE INSTITUTE FOR SYSTEMS BIOLOGY
4225 Roosevelt Way, N.E., Suite 200
Seattle, Washington 98105-6099



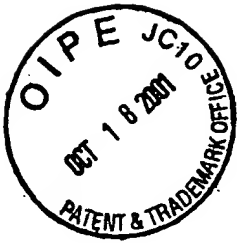
SMALL ENTITY STATEMENT

Attorney Docket No.: P-IS 4693
Serial No.: 09/858,198

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on October 15, 2001.

By Deborah L. Cadena
Deborah L. Cadena, Reg. No. 44,048

October 15, 2001
Date of Signature



RECORDATION FORM COVER SHEET AND
ASSIGNMENT

Attorney Docket No.: P-IS 4693
Serial No.: 09/858,198

I hereby certify that this correspondence is being deposited with
the United States Postal Service as first class mail in an
envelope addressed to: Commissioner for Patents, Washington, D.C.
20231, on October 15, 2001.

By Deborah L. Cadena
Deborah L. Cadena, Reg. No. 44,048

October 15, 2001
Date of Signature

COPY

JOINT

ASSIGNMENT

This Assignment is made by Rudolf H. Abersold of Mercer Island, Washington, and Huilin Zhou, of Seattle, Washington, Assignors, to THE INSTITUTE FOR SYSTEMS BIOLOGY, Assignee, having a place of business at 4225 Roosevelt Way, N.E., Suite 200, Seattle, Washington 98105.

WHEREAS, Assignors have invented new and useful METHODS FOR ISOLATION AND LABELING OF SAMPLE MOLECULES for which an application for United States Letters Patent was filed on May 14, 2001, in the United States Patent and Trademark Office, bearing Serial No. 09/858,198 and identified as Attorney Docket No: P-IS 4693;

WHEREAS, Assignors believe themselves to be the original inventors of the invention disclosed and claimed in said application for Letters Patent; and

WHEREAS, the parties desire to have a recordable instrument assigning the entire right, title and interest in and to said invention, said application and any Letters Patent that may be granted for said invention in the United States and throughout the world;

NOW, THEREFORE, in accordance with the obligations to assign the invention and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignors sell, assign, and transfer to Assignee, the entire right, title, and interest in and to said invention, said application and any Letters Patent that may be granted for said invention in the United States and throughout the world, including the right to file

Inventors: Aebersold and Zhou
Serial No.: 09/858,198
Filed: May 14, 2001
Page 2

foreign applications directly in the name of the Assignee and to claim for any such foreign applications any priority rights to which such applications are entitled under international conventions, treaties, or otherwise.

Assignors agree that, upon request and without further compensation, but at no expense to Assignors, they and their legal representatives and assigns will do all lawful acts, including the execution of papers and the giving of testimony, that may be necessary or desirable for obtaining, sustaining, reissuing, or enforcing Letters Patent in the United States and throughout the world for said invention, and for perfecting, recording, or maintaining the title of Assignee, its successors and assigns, to said invention, said application, and any Letters Patent granted for said invention in the United States and throughout the world.

Assignors represent and warrant that they have not granted and will not grant to others any rights inconsistent with the rights granted herein.

Assignors authorize and request the Commissioner of Patents and Trademarks of the United States and of all foreign countries to issue any Letters Patent granted for said invention, whether on said application or on any subsequently filed division, continuation, continuation-in-part or reissue application, to Assignee, its successors and assigns, as the assignee of the entire interest in said invention.

Inventors: Aebersold and Zhou
Serial No.: 09/858,198
Filed: May 14, 2001
Page 3

IN WITNESS WHEREOF, Assignors have executed this Assignment
on the date(s) provided below.

Assignor: Rudolf H. Abersold

Rudolf Abersold 10/11/01
Signature Date

STATE OF Washington)
COUNTY OF King)

On 10/11/01, before me, Twana Johnson
personally appeared Rudolf Abersold,
☒ personally known to me - OR - ___ proved to me on the basis of
satisfactory evidence to be the person whose name is subscribed to
the within instrument and acknowledged to me that he executed the
same in his authorized capacity, and that by his signature on the
instrument the person, or the entity upon behalf of which the
person acted, executed the instrument.

WITNESS by hand and official seal.

Twana Johnson
(Signature of Notary)



EXPIRES: 09/01/2004

Inventors: Aebersold and Zhou
Serial No.: 09/858,198
Filed: May 14, 2001
Page 4

Assignor: Huilin Zhou

H. Zhou 10/11/2001
Signature Date

STATE OF Washington)
COUNTY OF King)

On 10/11/2001, before me, Twana Johnson
personally appeared Huilin Zhou,
X personally known to me - OR - _____ proved to me on the basis of
satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that
he/she/they executed the same in his/her/their authorized
capacity(ies), and that by his/her/their signature(s) on the
instrument the person(s), or the entity upon behalf of which the
person(s) acted, executed the instrument.

WITNESS by hand and official seal.

Twana Johnson
(Signature of Notary)



EXPIRES: 09/01/2004